Supreme Court, U.S.
FILED
FEB 19 2004
OFFICE OF THE CLERK

No. 03A219

In The

Supreme Court of the United States

EILEEN VEY

Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA

Respondent

EXTENSION REQUESTED

PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS

EILEEN VEY
804 CEDAR AVENUE
PITTSBURGH, PA
15212
(412) 322-3131

QUESTION PRESENTED

I.

SHOULD THE U.S. SUPREME COURT FINALLY INTERVENE IN THIS 20-YEAR CASE (IN WHICH THE PETITIONER REPEATEDLY PROVED HER INNOCENCE WITH PRIMA FACIE EVIDENCE, REASONABLE DOUBT, AND INSUFFICIENT EVIDENCE).

PARTIES INVOLVED

The parties involved are the Pennsylvania Attorney General and the Petitioner, Eileen Vey.

No. _____

In The
UNITED STATES SUPREME COURT
AMERICA

_____

October Term, 2003

_____

_____

PETITION

EXTRAORDINARY WRIT OF MANDAMUS

_____

The petitioner, Eileen Vey, requests that this Court declare her innocence of state charges of which she served time and order state to expunge her record completely for reasons below.

REPORTS AND OPINIONS BELOW

As has been noted for approximately twenty (20) years, the petitioner has been unable to receive justice in this Pennsylvania state case in which she has repeatedly shown legal premise for relief.

JURISDICTION

Jurisdiction is envoked under Rule 20.3 (a), 28 USC § 1651(a), an Extraordinary Writ of Mandamus since exceptional circumstances warrant the exercise of the Court's discretionary powers.

U.S CONSTITUTION AND LAW PROVISIONS

Involved is the U.S. CONSTITUTION's "DUE PROCESS" of the LAW to have her declared innocent and have her criminal record expunged completely, because she has proven her PRIMA FACIE state case, repeatedly over the long years.

STATEMENT OF 20-YEAR CASE

After twenty (20) years of deprivations, it appears violating Vey's (petitioner) U.S. Constitutional rights has become an American sport with officials. After proving her innocence all these years in a prima facie case, she was deprived of a habeas corpus and now, having served the time, she is being deprived of her right to have the criminal record expunged, below in state court, U.S. District Court at No. 03-00709 and in the U.S. Appeals Court (3RD) at No. 03-2653, where it was denied.

REASON FOR WRIT GRANTING

Writ should be granted for reasons that JUSTICE is an imperative public importance in a case where petitioner has proven her innocence repeatedly and when there is no other Court available for relief in the declaring her innocence, clearing her name and expunging of criminal record by a Mandamus to state court.

The petitioner has repeatedly submitted voluminous prima facie evidence in various lists proving **innocence, "reasonable doubt,"** and **insufficient evidence** to the courts and there has been no refutation of these exculpatory lists and prima facie evidence. For this reason it would be redundant to contine submissions here again and, therefore, request that the court expedite the matter by declaring petitioner innocent and order state to clear her name and expunge record and all traces of it. (See Appendix list).

Again, the U.S. SUPREME COURT, Hopins v. Newman (2000) 67 CrLR 4 (99-1401) "Standard for granting relief: harmless error," and when there is a miscarriage of justice, which shows ineffective counsel, relief should BE GRANTED," Edwards v. Carpenter (2000) 529 US ___; 146 LEd 518, 120 SCt _____, conflict of interest (ex-D.A. as defendant's counsel), Cuy v. Sulivan and Williams v. Taylor (2000) 529 US ___; lack of diligence ofineffective counsel, Murray v. Carrier, 477 US 438, 490, 492 and Keeney v. Tamayo-Rayes (1992) 504 US 1; right to effective counsel, Williams v. Taylor (2000), 529 US ___.

PRIMA FACIE LAW

"Courts use the concept of "prima facie" case in two senses: (1) in sense of plaintiff producing evidence sufficient to render reasonable a conslusion in favor ofallegation she asserts; and (2) in sense that not only the plaintiff's evidence would reasonably allow conclusion plaintiff seeks, but also that plaintiff's evidence compells such a conclusion, if the defendants produce no evidence to rebut it. **Husbands v. Com of PA,** 395 FS 1107 & 1139.

PRIMA FACIE EVIDENCE is good and sufficient on its face and such evidence which, in the judgment of the law, is sufficient to establish a given fact. Moreover, prima facie evidence is evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue which it supports. **State v. Haremza,** 213 Kan. 201 512 P. 2d."

CONCLUSION

WHEREFORE, the petitioner, Eileen Vey, requests that this Court declare her innocence and order the Commonwealth of Pennsylvania officials to expunge her criminal record.

Respectfully submitted,

Eileen Vey, Pro Se 2-8-04

APPENDIX 1

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-2653

EILEEN VEY,
Appellant
v.

RAYMOND A. NOVAK, Judge of Common Pleas
Court of Allegheny County, PA

On Appeal From the U.S. District Court
(WD of PA Civ. No. 03-00709)
District Judge: Honorable Arthur J. Schwab)

Submitted For Possible Dismissal Under
28 USC § 1951(e)(2)(B) Nov. 21, 2003
Before: CHIEF JUDGE SCIRICA, WEIS and GARTH,
Circuit Judges

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted for possible dismissal under 28 USC § 1915(e)(2)(B). On consideration whereof, it is now here.

ORDERED AND ADJUDGE by this court that the appeal is dismissed for lack of subject matter jurisdiction. All of the above is in accordance with the opinion of of this Court.

ATTEST:
Clerk

DATED: Decemeber 11, 2003

APPENDIX 2

IN THE COURT OF COMMON PLEAS OF ALLEGHENY CO, PA

COM OF PA	)	criminal division
	)	
v.	)	CC: 198406363
	)	198406555
EILEEN VEY,	)	
Petitioner	)	

ORDER

AND NOW, to-wit, this 3rd day of February, 2003, the Petitioner having been given notice of this Court's intention to dismiss this matter without a hearing,

IT IS ORDERED, THAT THE Petitioner's PCRA Petition is hereby dismissed without a hearing.

The Petitioner is hereby advised pursuant to Pa. R. Crim. P. Rule 907(4) that he has the right to appeal from this final Order and that such appeal must be taken within 30 days from the date of this Order.

BY THE COURT,

Novak J/

(NOTE FROM PETITIONER:THIS WAS A STATE HABEAS CORPUS, NOT A PCRA. SHE APPEALED 20 YEARS ALMOST, WHERE SHE HAS REASON TO BELIEVE CASE WAS FIXED AND WHERE SHE WAS DENIED PA SUPREME COURT ACCESS OF A KING'S BENCH WRIT ON THIS VERY MATTER, WHICH WAS RETURNED!)